

**MINUTES  
of the  
SECOND MEETING  
of the  
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**October 30-31, 2006  
Room 322, State Capitol  
Santa Fe**

The second meeting of the Legislative Structure and Process Study Task Force was called to order by Richard E. Olson, co-chair, at 10:10 a.m. in Room 322 of the State Capitol in Santa Fe.

**Present**

Thomas A. Donnelly, Co-Chair  
Richard E. Olson, Co-Chair  
Rep. Janice E. Arnold-Jones  
Rep. Ray Begaye  
Sen. Mark Boitano  
Max Coll  
Linda M. Davis  
Marie Eaves  
William R. Humphries  
Judy K. Jones  
Rep. Larry A. Larranaga  
Sen. Cynthia Nava (October 30)  
Sen. Steven P. Neville  
Sen. Gerald Ortiz y Pino  
Sen. Nancy Rodriguez (October 31)  
Rep. Henry Kiki Saavedra  
Rep. Thomas C. Taylor  
Anthony Williams  
Rep. Peter Wirth

**Advisory Members**

Sen. Stuart Ingle  
Kim Seckler

**Absent**

Charles Dorame  
F. Chris Garcia  
Tommy Jewell  
Willard Lewis  
David McCumber  
Brian McDonald  
Sen. William H. Payne  
Murray Ryan

Rep. Donald E. Bratton  
Marilyn O'Leary  
Rep. Al Park

(Attendance dates are shown for those members not present for the entire meeting.)

**Staff**

Paula Tackett, Director, Legislative Council Service (LCS)  
David Abbey, Director, Legislative Finance Committee (LFC)  
Pauline Rindone, Director, Legislative Education Study Committee (LESC)  
Raul E. Burciaga, Assistant Director for Drafting Services, LCS  
John Yaeger, Assistant Director for Legislative Affairs, LCS  
Cathy Fernandez, Deputy Director, LFC  
Roxanne Knight, Researcher, LCS  
Evan Blackstone, Staff Attorney, LCS

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Monday, October 30**

Co-chair Olson stated that the purpose of the meeting was to identify potential reforms after the various presentations have been made.

**Report on Results of Survey of Legislators and Others Involved in the Legislative Process**

William T. Pound, executive director of the National Conference of State Legislatures (NCSL), presented the results of the survey conducted by NCSL.

**Overview**

The LCS engaged the NCSL to survey legislators, legislative staff, lobbyists and others involved in the legislative process on the procedures and operations of the New Mexico Legislature. The survey focused on the legislature's performance in key areas and potential improvements needed in legislative operations. NCSL developed a survey instrument that was sent to 255 individuals. One hundred ten individuals responded to the survey for a response rate of 43 percent. In addition, NCSL staff interviewed 50 individuals, including legislative leaders, legislators, legislative permanent and session staff, lobbyists and executive branch staff to supplement the written responses.

More than 67 percent of respondents indicated that the New Mexico Legislature effectively addresses the state's most pressing needs. Additionally, 83 percent of respondents indicated that the legislature does a good job of reviewing the budget requests of state agencies.

**Areas of Emphasis**

Mr. Pound said an analysis of the questionnaires and interviews highlighted eight major areas of concern: session length and time, session workload, the committee system, the interim, legislative staffing, legislative image, capital outlay process and compensation.

### **Session Length and Time**

Mr. Pound noted that during odd-numbered years, the New Mexico Legislature is in regular session no longer than 60 calendar days; in even-numbered years, the legislature is in session no longer than 30 calendar days. According to the state constitution, in the 30-day session, "the legislature shall only consider (1) budgets, appropriations and revenue bills; (2) bills drawn pursuant to special messages of the governor; and (3) bills of the last previous regular session vetoed by the governor".

The predominant view held by study participants is that the 60-day session is adequate for conducting legislative business but the 30-day session is too short. Almost 68 percent of questionnaire respondents and the majority of interviewees believe that, given the enormity of issues before the legislature, consideration should be given to changing the constitution to lengthen the 30-day session.

A major concern expressed by participants was that the majority of the legislative business occurs during the final days of the session. Respondents suggested the following to relieve the pressure during the final days of session: conducting committee meetings prior to the start of the session if pre-filing of bills is expanded and taken advantage of by the members and breaking in the middle of the session to allow more time for committee work. Additionally, many respondents believe that the 30-day session would be adequate if it is limited to budget issues.

Mr. Pound noted that regardless of session length, all chambers face the inevitable circumstance that the bulk of the floor work comes in the final days of the session. While all chambers face last-minute *floor* action, not all chambers face last-minute *committee* action. This may be at the root of the frustration expressed. Committee meetings in the final days, especially on bills still in their originating chamber, draw members from the floor and other committees, which may be hearing bills that are closer to final passage, and raise concern about last-minute maneuvering. States do vary in how they count the amount of time they spend in session. A number of states calculate the session length based on legislative days — the number of days actually spent on the floor rather than calendar days.

### **Session Workload**

Mr. Pound noted that the number of bills considered by the legislature grew from 1,788 in 2001 to 2,182 in 2005. In even-numbered years, the number of introduced bills grew from 900 in 2002 to 1,623 in 2006. The number of bills passed by the legislature does not necessarily correlate to the number introduced, due, no doubt, to the myriad factors that influence the number of bills approved. Mr. Pound noted that in 2001, the legislature approved more than 480 measures — a record high that was eclipsed just two years later with the passage of 523 bills. Yet in 2006, just 125 bills were approved by the legislature — the lowest number for a 30-day session in two decades.

Many individuals responding to the survey focused on ways the legislature could streamline its processes. These suggestions included expanding and making greater use of the

rules that allow prefiling of bills, limiting the number of bills a legislator could introduce and instituting and enforcing deadlines.

In response to a question, Mr. Pound noted that Colorado has a limit of five bills per member, which is the most restrictive, and it has deadlines on hearings and for clearing the first house by the fiftieth day out of a 120-day session. However, Colorado can loosen the restriction because of term limits or if other important issues arise that require additional bill activity. In those cases, Mr. Pound pointed out that Colorado has a leadership committee that makes those decisions.

In response to questions, Mr. Pound stated that some states prohibit the introduction of duplicate bills and that many states have deadlines for committee action and executive action. He noted that 46 chambers use "cross-over" deadlines.

Both senate and house rules provide for the prefiling of bills, although no bill has ever been prefiled in either chamber. The senate rule is new, so members have not had an opportunity to make use of it yet. Prefiling in the house is limited to interim committee bills and agency bills and may only be used in even-numbered years, just before a short session. Many respondents focused on using the existing prefiling mechanisms as a way to more efficiently use the beginning weeks of the session. Mr. Pound said approximately 80 legislative chambers speed up their process by allowing lawmakers to prefile bills.

Sixty-two percent of survey respondents indicated that the legislature should limit the number of bills that individual legislators may introduce. Twenty-one chambers currently impose a limit on the number of bills a member can request to be drafted and can introduce.

More than three-fourths of legislative bodies have instituted deadline systems. These include deadlines for bill introductions, committee action, action by the house of origin, second house action and conference committee action. Seventy percent of respondents felt that deadlines for when committees must act on legislation would improve the process. Seventy-three percent of respondents felt that there should be deadlines on when each chamber must act on legislation.

### **The Standing Committee System**

Seventy percent of respondents indicated that improvements need to be made in the current standing committee system. The survey found that public participation in standing committee meetings needs to be expanded and that meetings need to provide ample time for hearing public testimony. Additionally, there was strong sentiment that committees should convene on time.

There is strong belief that there are too many committees, problems maintaining quorums during meetings and that committee jurisdictions are somewhat overlapping. In addition, respondents believe that given the committee workload during the 30-day session, not all issues can adequately be addressed. Some members noted that there is no formal time set aside for

caucus meetings during the session. A number of respondents felt that conference committee meetings should be open.

There currently is no training for committee chairs or vice chairs. Management training for chairs and vice chairs was repeatedly mentioned as a potential way to improve the committee process.

In response to task force discussion, Mr. Pound noted that New Mexico is not alone in facing many of the issues raised and that while there are mechanisms that can address certain issues, such as requiring adherence to committee schedules, the legislature is a people-driven process and solutions do not just come through rules.

### **The Interim**

Overwhelmingly, respondents noted that the work of interim committees does not feed into the work of standing committees. In each of the last three years, there have been more than 20 committees appointed during the interim. This compares to eight senate standing committees and 12 house standing committees. Respondents believe that it would be helpful to make the committees more parallel or have the work of the interim committees flow into the standing committees. Interviewees commented that interim committees could be more substantive through the assignment of specific issues that would be covered in the coming session or the more rigorous development of legislation that might be used during the session. The difficulty in following these approaches is that the membership on the interim committees may not coincide with the membership of the standing committees, resulting in duplicate work.

Many legislators are appointed to numerous interim committees, which makes it difficult for them to attend all of their committee meetings and for a quorum of committee members to be present.

There is some view that committee jurisdictions are overlapping and that some committees overreach their jurisdictions. For example, some respondents felt that the LFC holds hearings on some substantive issues that are covered in other committees. Finally, it was noted that some interim committees have outlived their usefulness.

### **Legislative Staffing**

Seventy-four percent of respondents felt legislative permanent staff have the necessary skills (experience, education, expertise) to properly analyze legislation. Personal interviews also revealed a high regard for the permanent legislative staff for their professionalism and competence. Legislative session staff was not held in as positive a light and could benefit from additional training. Respondents were equally divided as to whether personal and/or district staff were necessary. Caucus staff also were mentioned as a means of support. Legislators did indicate a strong desire for primarily clerical assistance during the session either by the current staff or by adding additional staff.

### **Legislative Image**

Mr. Pound noted that a recent Albuquerque Journal poll put the legislature's approval rating at 44 percent, a relatively high number. It is generally true that when the popularity of the governor increases, so does the popularity of the legislature. This is not to say that there are not problems with the public image of the legislature. In the interviews, respondents indicated that it is difficult for citizens to interact in the legislative process, especially when the public comes to testify on issues before both standing and interim committees. This is largely related to the unpredictability of committee hearing schedules. In addition, when committees meet outside the capitol, public participation is low. Public input and participation are diminished by the lack of committee organization and adherence to scheduling, which both affect the legislature's image of professionalism. Mr. Pound noted that many states have a public information office.

Additional comments by respondents about the image of the legislature included expansion of ethics training and limiting lobbyists' influence in the process and the development of legislation.

### **Capital Outlay Process**

Mr. Pound noted that the capital outlay process was widely commented on as one that did not work well. He also noted that a separate study is being undertaken of the process. While many respondents noted that the capital outlay process is one way legislators could bring support directly to their constituents, it was also felt that the process is inequitable and not fiscally prudent.

### **Compensation**

Mr. Pound noted that pursuant to the New Mexico Constitution, New Mexico legislators receive the per diem rate established by the Internal Revenue Service for the City of Santa Fe for attendance during each meeting day of the legislature or its committees. The constitution does not allow any other compensation, perquisite or allowance. In the survey and interviews, the question was posed as to whether legislators should receive compensation in the form of salary or expenses above the current per diem rate. Respondents were divided on this issue. Mr. Pound said the task force should consider what will be accomplished by providing additional compensation either in the form of salary or reimbursement of expenses. If the goal is to maintain a strictly citizen legislature, some respondents felt that additional compensation is not necessary. On the other hand, respondents felt that the current per diem practice limits the type of legislator who serves to those of means or individuals who are retired. Increasing compensation may allow for a broader cross section of the population to serve in the legislature. If compensation or reimbursement is offered, respondents generally reported that \$25,000 per year or \$2,000 per month in expense reimbursement would be appropriate.

In response to a question, Mr. Pound noted that an effective legislature is one that is informed, has adequate time to conduct its business, informs the public and operates on good information. He said that suggestions to increase public involvement, generate respect among legislative members, increase the effectiveness of committees and use time more efficiently should all be considered.

The task force recessed for lunch and reconvened at 1:15 p.m.

### **Report on Previous Reform Studies and Efforts**

Ms. Tackett, Mr. Yaeger and Michael Browde, legal counsel to the 1995 Constitutional Revision Commission and professor at the University of New Mexico School of Law, presented an historical perspective of previous legislative structure and process reform efforts. They reviewed the range of reforms proposed by the 1995 Constitutional Revision Commission, the 1988 Legislative Reform Study Committee, the 2002 Committee Process Study Subcommittee, the 1994 New Mexico First Town Hall on the Structure of Government in New Mexico and the current Governor's Task Force on Ethics Reform.

Mr. Yaeger reviewed the previous reforms that have been proposed to address both legislative session time management and workload concerns. The reforms included extending the length of the session, limiting the number of executive messages, implementing bill passage deadlines, ensuring that committee meetings start on time and limiting debate on unfavorable committee reports.

Mr. Browde noted that the 1995 Constitutional Revision Commission proposals included language to address a veto override session.

Responding to a question about the governor's line-item veto power, Mr. Browde explained that the line-item veto is a negative power and not an affirmative one. He pointed out that the court has attempted to strike a functional balance between ensuring that the legislature performs its legislative functions but not constraining the governor in expending the funds given. There are not clear standards in the court decisions, but Mr. Browde stated that the ambiguity in the cases has kept the legislative and executive branches "on their toes".

### **Committee Business**

Co-chair Olson asked that the committee adopt the minutes from the previous meeting. On motion made and without objection, the minutes of the August 4, 2006 meeting were approved as submitted.

### **Development of Task Force's Priorities — Small Group Discussions**

Ms. Tackett introduced Heather Balas, the president of New Mexico First, and explained Ms. Balas's role as a facilitator, similar to her role in various town halls that have been conducted around the state. The task force broke into two smaller groups as part of the consensus-building process facilitated by New Mexico First.

The task force recessed for the day at 5:00 p.m. and reconvened the following day at 9:00 a.m. to continue the portion of the meeting facilitated by New Mexico First.

A copy of the New Mexico First report summarizing the results of this process is attached to the original of these minutes.

There being no further business, the task force adjourned at approximately 3:00 p.m.

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